



W.P.(MD)No.23862 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.03.2025

CORAM

THE HONOURABLE MR.JUSTICE **SHAMIM AHMED**

W.P.(MD)No.23862 of 2022

A.Tamilarasi

... Petitioner

-VS.-

1.The District Educational Officer,
Nagercoil, Kanyakumari District.

2.The Headmaster,
Government Primary School,
Vadiveeswaram, Kanyakumari District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the respondents to regularise the petitioner's service as Full-time Sweeper on the date of completion of ten years of part time service from 09.12.1989 and to pay time scale of pay and other benefits payable with effect from 09.12.1999 continuing the 50% of part time service for the purpose of pension in the light of the order passed in W.A. (MD)No.93 of 2018, dated 27.03.2018 as confirmed by the apex Court by dismissal of S.L.P.No.23960 of 2018 and in the light of the Government Order in G.O.Ms.No.111, School Education (R1), dated 09.05.2012.

For Petitioner :Mr.K.Maheswaran
For Respondents :Mr.F.Deepak
Special Government Pleader



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ORDER

This Writ Petition has been filed under Article 226 of the Constitution of India to direct the respondents to regularise the petitioner's service as Full-Time Sweeper on the date of completion of ten years of part time service from 09.12.1989 and to pay time scale of pay and other benefits payable with effect from 09.12.1999 continuing the 50% of part time service for the purpose of pension in the light of the order passed in W.A.(MD)No.93 of 2018, dated 27.03.2018 as confirmed by the apex Court by dismissal of S.L.P.No.23960 of 2018 and in the light of the Government Order in G.O.Ms.No.111, School Education (R1), dated 09.05.2012.

2.The facts of the case in a nut shell, led to filing of this Writ Petition and necessary for disposal of the same, are as follows:-

(a)The petitioner was appointed as Part Time Sweeper in the second respondent School by appointment order, dated 09.12.1989. But her services were not regularised. Hence, she has given several representations to the respondents. But no action was taken and lastly, the representation, dated 05.02.2020 was given before the respondents. The copy of the representation finds place at Page No.41 of paper book. However, till date the same has not been considered by the respondents. In such circumstances, this Writ Petition has been filed seeking the relief as stated



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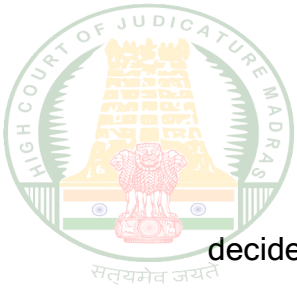
above.

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3.Heard Mr.R.Maheshwaran, learned Counsel for the petitioner and Mr.F.Deepak, learned Special Government Pleader Counsel for the respondents.

4.The learned Counsel for the petitioner, while reiterating the averments made in the affidavit filed in support of this Writ Petition, submits that the petitioner has made several representations to decide the grievances and claim of the petitioner before the respondents, however, till date, no action was taken and the respondents have not decided the representation. Thus, he submits that a positive direction may be given to the respondents to consider the representation and decide the same by way of a reasoned and speaking order on merits and in accordance with law within a time frame that may be stipulated by this Court.

5.Mr.F.Deepak, learned Special Government Pleader submits that if the petitioner's claim is coming under the relevant Government Orders and is entitled for regularisation, her case will be considered by the respondents in accordance with law and a reasoned and speaking order will be passed. He also submits that the petitioner may be directed to file a representation in respect of her grievances and claims before the first respondent, who shall



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decide the same as per the time stipulated by this Court.

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6.The request of the learned Special Government Pleader appears to be genuine and justified. Accordingly, after considering the submissions made by the learned Counsels for both parties and perusing the records and averments made in the Writ Petition, this Court deems it appropriate that no useful purpose will be served in keeping this Writ Petition pending before this Court.

7.Accordingly, the petitioner is directed to submit a fresh representation before the first respondent in respect of her grievances and claims within a period of four weeks from today and if any such representation is filed before the first respondent, as per the time stipulated by this Court, the first respondent is hereby directed to decide the same by way of a reasoned and speaking order and also in accordance with law considering all the relevant Government Orders in this regard and also the judgments of the Courts in this regard within a period of two months from the date of receipt of such representation. The first respondent shall communicate the order to the petitioner through Registered Post with Acknowledgement Due (RPAD) within a period of two weeks from the date of passing the order.



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There shall be no order as to costs.

Index : Yes / No
Internet : Yes / No
NCC : Yes / No

06.03.2025

cmr

To

1. The District Educational Officer,
Nagercoil, Kanyakumari District.

2. The Headmaster,
Government Primary School,
Vadiveeswaram, Kanyakumari District.



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SHAMIM AHMED, J.

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